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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No.

2010-39

14 **WILLIAM TERRY SHAY, JR.**
1471 20th Avenue, Apt. #4
15 San Francisco, CA 94122

ACCUSATION

16 **Registered Nurse License No. RN 525701**

17 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Heidi J. Goodman, Assistant Executive Officer, (Complainant) brings this
22 Accusation solely in her official capacity as the Executive Officer of the Board of Registered
23 Nursing, Department of Consumer Affairs.

24 2. On or about August 23, 1996, the Board of Registered Nursing issued Registered
25 Nurse License Number RN 525701 to William Terry Shay, Jr. (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on November 30, 2009, unless renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-
4 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
5 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
6 of this section in which event the record of the conviction is conclusive evidence thereof.

7 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case.

11 REGULATION PROVISIONS

12 9. California Code of Regulations, Title 16, section 1444, states that a conviction or
13 act shall be considered to be substantially related to the qualifications, functions or duties of a
14 registered nurse if to a substantial degree it evidences the present or potential unfitness of a
15 registered nurse to practice in a manner consistent with the public health, safety, or welfare.

16 FIRST CAUSE FOR DISCIPLINE

17 (Substantially Related Convictions)

18 10. Pursuant to sections 490 and 2761(f) of the Code, in conjunction with California
19 Code of Regulations, Title 16, section 1444, respondent is subject to disciplinary action in that
20 respondent was convicted by his plea of "nolo contendere" in San Francisco Superior Court, Case
21 No. 2369763, entitled *People of the State of California v. William Terry Shay, Jr.*, for the violation
22 of California Vehicle Code section 23152(b), a misdemeanor. The circumstances are as follows:

23 a. On or about July 9, 2008, in San Francisco Superior Court, Case No. 2369763,
24 entitled *People of the State of California v. William Terry Shay, Jr.*, respondent was found guilty
25 by way of his plea of "nolo contendere" to the misdemeanor violation of section 23152(b) for
26 driving while having a 0.08% or higher blood alcohol. Respondent's conviction is substantially
27 related to the qualifications, functions or duties of a registered nurse and evidences, to a
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1 substantial degree, respondent's present or potential unfitness to practice in a manner consistent
2 with public health, safety, or welfare.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Use of Alcohol)

5 11.. Respondent is subject to disciplinary action under section 2762(b) of the Code, in that
6 respondent used alcohol to an extent or in a manner dangerous or injurious to himself or any other
7 person as set forth in paragraph 10, above.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – Conviction involving Alcohol)

10 12. Respondent is subject to disciplinary action under section 2762(c), unprofessional
11 conduct, in that respondent was convicted of a criminal offense involving the consumption of
12 alcohol as set forth in paragraph 10, above.

13 DISCIPLINE CONSIDERATIONS

14 13. To determine the degree of discipline, if any, to be imposed on respondent,
15 Complainant alleges that on or about September 24, 2000, in a prior disciplinary action entitled In
16 the Matter of the Accusation Against William Terry Shay, Jr. before the Board of Registered
17 Nursing, in Case Number 2000-134, respondent's license was revoked, revocation stayed, and
18 placed on probation for three (3) years with terms and conditions as set forth fully in the
19 Accusation, Decision and Order; and Decision of the Board, effective April 10, 2003, attached
20 hereto as Exhibit A. As set forth in Exhibit A, respondent, by his own admission, violated section
21 2761(a)(1) as defined in section 2762(e) for falsifying, or making grossly incorrect, grossly
22 inconsistent or unintelligible entries in any hospital, patient or other record.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 I. Revoking or suspending Registered Nurse License Number RN 525701, issued to
27 William Terry Shay, Jr.,

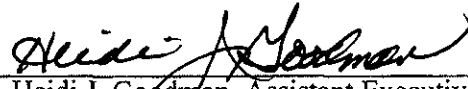
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1 2. Ordering William Terry Shay, Jr. to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

6
7 DATED:

7/27/09



Heidi J. Goodman, Assistant Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

BEFORE THE
BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WILLIAM T SHAY
P.o. Box432
Stinson Beach, CA 94970

OAH No. N-2003010587

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on April 10, 2003.

IT IS SO ORDERED April 10, 2003.

Sandra Erickson CRNA

This certifies that this is a true and correct copy of
records on file in this office pertaining to:

William T. Shay

BOARD OF REGISTERED NURSING,


Leticia Castillo

OAH Enforcement Program

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Termination
of Probation of:

WILLIAM TERRY SHAY, JR.
P.O. Box 432
3472 Shoreline Highway, Route 1
Stinson Beach, CA 94970

Petitioner.

OAH No. N2003010587

DECISION

This matter was heard on February 6, 2003, before a quorum of the Board of Registered Nursing, Department of Consumer Affairs, State of California ("the Board"), Sandra Erickson, C.R.N.A., President, presiding, in Burbank, California. Catherine B. Frink, Administrative Law Judge, Office of Administrative Hearings, State of California, sat with the Board

Maureen McKennan Strumpfer, R.N., Deputy Attorney General, appeared pursuant to Government Code section 11522.

William Terry Shay, Jr., R.N. ("petitioner") was present and represented himself.

Board member Dan C. Weitzman did not participate in the deliberations in this matter.

FACTUAL FINDINGS

1. The Board issued Registered Nurse License No. 525701 to petitioner on August 23, 1996.

2. Effective September 24, 2000, the Board revoked petitioner's license pursuant to a Stipulation, Decision and Order signed by petitioner on June 28, 2000. The Board's disciplinary action, pursuant to Business and Professions Code section 2761(a) on the grounds of unprofessional conduct, was based on petitioner's admission that, while employed as a registered nurse at California Pacific Medical Center, San Francisco, he increased, decreased, administered and discontinued the prescribed dosage of Diltiazem for two patients on June 16-17, 1998 and on August 8, 1998 contrary to physician's orders, in violation of Business and Professions Code section 2761(a)(1).

Revocation was stayed, and petitioner was placed on probation for three (3) years, subject to various terms and conditions, including completion of a course or courses in nursing practice as directed by the Board prior to engaging in the practice of nursing, payment of \$1,200 in investigative and enforcement costs, and other standard terms and conditions. Petitioner's probation is due to expire on September 23, 2003.

3. On September 30, 2002, petitioner signed a Petition for Reinstatement or Reduction of Penalty ("Petition") in which he requested Termination of Probation. The Petition and supporting documents were filed with the Board on October 18, 2002. Petitioner has not previously applied for termination of probation.

4. Petitioner completed a nursing course entitled Legal Aspects of Nursing as required by the terms of his probation. He has completed additional continuing education units in nursing practice. He is currently employed as a registered nurse at Marin General Hospital, where he has received work performance evaluations demonstrating that he is meeting and exceeding expectations for safe and competent nurse practice. He has been actively involved in fundraising efforts on behalf of Fund the Cure, a fundraising campaign of the Santa Cruz AIDS Research Foundation.

5. Petitioner wishes to terminate probation at this time so that he can accept teaching positions. He is acting as an educational consultant/specialist for his current employer. He is interested in becoming a clinical educator and continuing to practice as registered nurse.

6. Petitioner completed payment of investigative/enforcement costs to the Board and he has fully complied with all requirements of probation. He has demonstrated that he is capable of practicing without restrictions without harm to the public.

LEGAL CONCLUSIONS

Good cause is established to terminate petitioner's probation at this time.

ORDER

The petition of William Terry Shay, Jr., R.N. for termination of probation is
GRANTED.

This decision shall become effective on April 10, 2003

Dated: April 10, 2003

BOARD OF REGISTERED NURSING

By: Sandra Erickson
SANDRA ERICKSON, C.R.N.A.
President

Attorneys for Complainant

STIPULATION, DECISION AND ORDER

1.

1 3. The respondent has retained Michael B. Levin as his attorney in the
2 above-entitled matter.

3 4. The respondent and his attorney have fully discussed the nature of the
4 charges alleged in the above-entitled Accusation as providing the basis for revoking or
5 suspending his license number 525701.

6 5. The respondent is fully aware of his right to a hearing on the charges and
7 allegations contained in the Accusation No. 2000-134, his rights to reconsideration and appeal,
8 and all other rights afforded to him under the Administrative Procedure Act (Government Code
9 sections 11370 etc.) and the laws of the State of California.

10 6. The respondent hereby, freely, knowingly and voluntarily waives his
11 rights to a hearing, reconsideration and appeal, and all other rights afforded him under the
12 Administrative Procedure Act (Government Code sections 11370 etc.) and the laws of the State
13 of California.

14 7. Ruth Ann Terry, R.N., M.P.H., as Executive Officer of the Board of
15 Registered Nursing made and filed this Accusation solely in her official capacity. The
16 respondent's license status and history as set forth in paragraph two of the Accusation are true
17 and correct. A copy of the Accusation is attached hereto as Exhibit A.

18 8. Respondent admits that while employed as a registered nurse at
19 California Pacific Medical Center, San Francisco, he increased, decreased, administered and
20 discontinued the prescribed dosage of Diltiazem for two patients on June 16-17, 1998 and on
21 August 8, 1998 contrary to physician's orders, as set forth in paragraph 7 of the Accusation
22 attached hereto. Accordingly, respondent stipulates that his license may be disciplined for
23 violations of Business and Professions Code sections 2761(a) and 2761(a)(1).

24 9. The admissions made by respondent herein are only for the purposes of
25 this proceeding or any other proceeding between the respondent and the Board of Registered
26 Nursing of the State of California or another professional licensing agency and shall not be
27 deemed admissions in any other civil or criminal forum or proceeding.

1 10. Based on the foregoing recitals, **IT IS STIPULATED AND AGREED**
2 that the Board of Registered Nursing may issue a decision and order upon this stipulation
3 whereby the following discipline will be imposed:

4 Respondent's registered nurse license number 525701 heretofore issued to the
5 respondent by the Board is hereby revoked, provided, however, that the execution of
6 this Order of Revocation is stayed, and respondent is placed on probation for a period
7 of three years, upon the following terms and conditions:

8 (1) Respondent shall obey all federal, state and local laws, and all rules, and
9 regulations of the Board of Registered Nursing governing the practice of nursing
10 in California. A full and detailed account of any and all violations of law shall
11 be reported by the respondent to the Board in writing within 72-hours of
12 occurrence. To permit monitoring of compliance with this term, respondent
13 shall submit completed fingerprint cards and fees within 45 days of the effective
14 date of this decision, unless previously submitted as part of the license
15 application process.

16 (2) Respondent shall fully comply with the terms and conditions of the
17 probation program established by the Board and cooperate with representatives
18 of the Board in its monitoring and investigation of respondent's compliance with
19 the program. Respondent shall inform the Board in writing within no more than
20 15 days of any address change and shall at all times maintain an active, current
21 license status with the Board, including during any period of suspension.

22 (3) Respondent, during the period of probation, shall appear in person at
23 interviews/meetings as directed by the Board or its designated representatives.

24 (4) Periods of residence or practice outside of California will not apply to
25 the reduction of this probationary term. Respondent must provide written notice
26 to the Board within 15 days of any change of residence or practice outside the
27 state.

1 (5) Respondent, during the period of probation, shall submit such written
2 reports/declarations and verification of actions under penalty of perjury as are
3 required. These declarations shall contain statements relative to respondent's
4 compliance with all terms and conditions of the Board's probation program.
5 Respondent shall immediately execute all release of information forms as may
6 be required by the Board or its representatives.

7 (6) Respondent, during the period of probation, shall engage in the practice
8 of professional nursing in California for a minimum of 24 hours per week (or as
9 determined by the Board) for six consecutive months. Per section 2732 of the
10 Business and Professions Code, no person shall engage in the practice of
11 registered nursing without holding a license which is in an active status.

12 (7) The Board shall be informed of and approve of each agency for which
13 respondent provides nursing services prior to respondent's commencement of
14 work. The respondent shall inform his employer of the reason for the terms and
15 conditions of probation and shall provide a copy of the Board's decision and
16 order to his employer and immediate supervisor. The employer shall submit
17 performance evaluations and other reports as requested by the Board.
18 Respondent is also required to notify the Board in writing within (72) hours
19 after termination of any nursing employment. Any notification of termination
20 shall contain a full explanation of the circumstances surrounding it.

21 (8) The Board shall be informed of and approve of the level of supervision
22 provided to the respondent while he is functioning as a registered nurse. The
23 appropriate level of supervision must be approved by the Board prior to the
24 commencement of work. Respondent shall practice only under the direct
25 supervision of a registered nurse in good standing (no current discipline) with
26 the Board of Registered Nursing.

27 (9) Respondent may not work for a nurse registry; temporary nurse agency;

1 home care agency; in-house nursing pool; as a faculty member in an approved
2 school of nursing; or as an instructor in a Board approved continuing education
3 program. Respondent must work only on a regularly assigned, identified and
4 predetermined work site(s) with appropriate supervision as approved by the
5 Board.

6 (10) Respondent at his expense, shall begin and successfully complete a
7 course(s) in nursing as directed by the Board prior to engaging in the practice of
8 nursing and prior to the end of the probationary term.

9 The respondent may be suspended from practicing nursing until the
10 necessary coursework is completed. The content of such course(s) and the place
11 and conditions of instructions shall be specified by the Board's representatives at
12 the time of the initial probation meeting based on the nature of the violation(s).
13 Specific courses must be approved prior to enrollment. The respondent must
14 submit written proof of enrollment and proof of successful completion.
15 Transcripts or certificates of completion must be mailed directly to the Board by
16 the agency or entity instructing the respondent.

17 Home study or correspondence courses are not acceptable and will not be
18 approved.

19 (11) Respondent shall pay to the Board the costs associated with its
20 investigation and enforcement pursuant to Business and Professions Code
21 section 125.3 in the amount of \$1,200.00. Respondent shall be permitted to pay
22 these costs in a payment plan of monthly payments with payments of \$50.00
23 per month to be completed no later than twelve months prior to the end of the
24 probation term.

25 (12) If respondent violates the conditions of his probation, the Board, after
26 giving the respondent notice and an opportunity to be heard, may set aside the
27 stay order and impose the stayed discipline (revocation) of the respondent's

license.


If during the period of probation, an Accusation or Petition To Revoke Probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an Accusation or Petition To Revoke Probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the Accusation or Petition has been acted upon by the Board. Upon successful completion of probation, the respondent's license will be fully restored.

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1 (13) This Stipulation shall be subject to adoption by the Board of Registered
2 Nursing. If the Board fails to adopt this Stipulation, it shall be of no force or
3 effect for either party, and the matter will be regularly set for hearing.
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5 DATED: 7/13/00
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7 BILL LOCKYER, Attorney General
8 of the State of California
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10 
11 HANNAH HIRSCH ROSE
12 Deputy Attorney General

Attorneys for Complainant

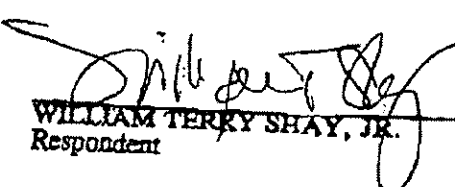
13 DATED: 7/18/00
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16 MICHAEL B. LEVIN
17 Attorney at Law

Attorney for Respondent

18 I hereby certify that I have read this Stipulation and Agreement in its entirety.
19 that my attorney of record has fully explained the legal significance and consequences thereof,
20 that I fully understand all of, and agree to said Stipulation and Waiver and in witness thereof I
21 affix my signature.
22

23 DATED: 6-28-00
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25 
26 WILLIAM TERRY SHAY, JR.
27 Respondent

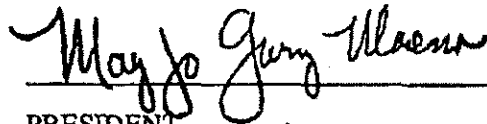
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DECISION AND ORDER

The above Stipulation has been adopted and shall become the decision of the
Board of Registered Nursing of the State of California effective September 24th, 2000.

IT IS SO ORDERED this 25th day of August, 2000.



PRESIDENT
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH WISS ROSE, State Bar No. 56276
Deputy Attorney General
3 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-3664
4 Telephone: (415) 703-5515
5 Attorneys for Complainant
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8 BEFORE THE
9 BOARD OF REGISTERED NURSING
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation) NO.2000-134
13 Against:)
14 WILLIAM TERRY SHAY, JR.) ACCUSATION
430 N. Fifth Street)
15 San Jose, California 95112)
Registered Nurse License No. 525701)
16 Respondent.

17 Ruth Ann Terry, M.P.H., R.N., alleges:

18 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this accusation in
19 her official capacity as Executive Officer, Board of Registered Nursing, Department of
20 Consumer Affairs, State of California.

21 LICENSE INFORMATION

22 2. On August 23, 1996, the Board of Registered Nursing issued registered nurse
23 license number 525701, to William Terry Shay, Jr. (hereinafter referred to as respondent). On
24 November 30, 2001, the license will expire, if not renewed.

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1 c. On June 17, 1998, at 0600 hours, respondent discontinued the administration of
2 the prescribed 10 mg./hour Diltiazem without a physician's order to do so.

3 d. On June 17, 1998, at 0700 hours, respondent administered a 20 mg. bolus
4 Diltiazem as ordered; however, administered 7 mg./hour rather than the ordered 10 mg./hour
5 thereafter.

6 PATIENT: B

7 a. On August 8, 1997, at 2030 hours, respondent administered a one time bolus of
8 25 mg. Diltiazem contrary to the physician's order of a 20 mg. bolus, continue with 5 mg./hour.

9 b. On August 8, 1997, respondent continued to administer Diltiazem contrary to
10 the physician's order of 5 mg./hour in the following respects:

11 1. At 2030-2100 hours, administered 12 mg./hour.

12 2. At 2100 hours, administered 10 mg./hour.

13 3. At 2200 hours, administered 5 mg./hour, then followed at 3 mg./hour.

14 8. Respondent has subjected his license to discipline under Business and
15 Professions Code section 2761(a) on the grounds of unprofessional conduct in that while
16 employed as a licensed registered nurse at California Pacific Medical Center, San Francisco,
17 California, he administered Diltiazem, a dangerous drug, contrary to physician's orders as set
18 forth in paragraph 7.

19 PRAYER

20 WHEREFORE, complainant prays that a hearing be held and that the Board of
21 Registered Nursing make an order:

22 1. Revoking or suspending registered nurse license number 525701, issued to
23 William Terry Shay, Jr.

24 2. Ordering respondent to pay to the Board of Registered Nursing its costs in the
25 investigation and enforcement of the case according to proof at the hearing pursuant to Business
26 and Professions Code section 125.3.

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3. Taking such other and further action as may be deemed proper and appropriate.

DATED: 2/2/00

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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